

### REMARKS

By the present *Response*, claim 7 is amended. The amendment to the claim is supported by the application as originally filed, and does *not* introduce new matter issues or raise issues requiring further consideration or searches.

Applicant thanks the Examiner for the telephonic interview regarding submitting sections of the grant proposals referenced by the previously submitted *Rule 131 Declaration*.

#### REJECTION OF CLAIMS 7-9, 16, 38, AND 39 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7-9, 16, 38, and 39 are rejected under 35 U.S.C. § 112, second paragraph. In particular, the Examiner alleged that "[w]ater is listed as both a reactive additive in claims 7-9, 38 and 39 and as a non-reactive additive for claim 16 creating a conflict." Applicant respectfully traverses this rejection.

It is understood that the Applicant's August 17, 2006 *Response and Amendment After Final Rejection* was not entered by the Examiner, and thus the claim status as presented herein is accurate. Applicant respectfully requests that the Examiner contact Applicant's counsel should there be any question regarding the claim status.

Applicant agrees with the Examiner that water can not be both a reactive additive and a non-reactive additive *at the same time*. However, there is no conflict for water to function as a reactive additive in one embodiment of the present invention (e.g., claim 7), and a non-reactive additive in another embodiment of the present invention (e.g., claim 16). Applicant respectfully submits that the specification of the Application clearly established that, (1) on the one hand, in various embodiments of the present invention water may function as a reactive additive (see, e.g., Paragraph 0061, "[w]ater may also be considered a reactive additive due to its interaction with the polymer matrix when acidic or basic reactive additives are present."); and (2) on the other hand, in various embodiments of the present invention water may simply function as a non-reactive additive (such as, a vehicle. See, e.g., Paragraph 0074).

It is respectfully submitted that the above overcomes the pending rejection of claims 7-9, 16, 38, and 39.

#### REJECTION OF CLAIMS 7-10 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7-10 are rejected under 35 U.S.C. § 112, second paragraph, as being improperly depending from canceled claim 6.

Applicant respectfully submits that, by the present *Response*, the dependency error in claim 7 is amended, and claims 7-10 are in condition for allowance.

REJECTION OF CLAIMS 1-3, 5, 7-12, 15, 16, 18, 20-22, 24, 34-36, AND 38-45 UNDER 35 U.S.C. § 103(a)

Claims 1-3, 5, 7-12, 15, 16, 18, 20-22, 24, 34-36, and 38-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaffe et al. U.S. Patent Application No. 2004/0118287 ("the '287 application") in view of Kishovich et al. U.S. Patent Application No. 2002/0178923 ("the '923 application"). Applicant respectfully traverses this rejection in view of the *Supplemental Declaration* presently submitted under 37 C.F.R. §1.131 ("*Supplemental Declaration*"), which contains sections of the referenced grant proposals that are relevant to the present application as Exhibits 1-3.

An applicant may establish prior invention by showing facts that the applicant conceived the invention prior to the effective filing date of the cited reference, coupled with due diligence from prior to that date to a subsequent reduction to practice or to the filing of the application.

Applicant's *Supplemental Declaration* sets forth facts sufficient to show that Applicant (1) conceived the invention prior to the August 13, 2002 effective filing date of the '287 application and (2) worked diligently from prior to that date to a subsequent reduction to practice. Applicant respectfully submits that Applicant's *Supplemental Declaration* satisfies the requirements of 37 C.F.R. §1.131. Therefore, it is respectfully submitted that the '287 application is not prior art against Applicant's application

Applicant respectfully submits that claims 1-3, 5, 7-12, 15, 16, 18, 20-22, 24, 34-36, and 38-45 are in condition for allowance.

REJECTION OF CLAIMS 4, 17, 33, AND 37 UNDER 35 U.S.C. § 103(a)

Claims 4, 17, 33, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '287 application in view of the '923 application, and further in view of Koslow U.S. Patent Application No. 2003/0140785 ("the '785 application"). Applicant respectfully traverses this rejection in view of the presently submitted *Supplemental Declaration*.

Applicant has established, *supra*, that the '287 application is not prior art to be cited against Applicant's application. In addition, Applicant's *Supplemental Declaration* sets forth facts sufficient to show that Applicant (1) conceived the invention prior to the January 31, 2002 effective filing date of the '785 application and (2) worked diligently from prior to that date to a subsequent reduction to practice. Applicant respectfully submits that Applicant's Supplemental Declaration satisfies the requirements of 37 C.F.R. §1.131. Therefore, it is respectfully submitted that the '785 application is also not prior art against Applicant's application.

Applicant respectfully submits that claims 4, 17, 33, and 37 are in condition for allowance.

#### FEES

Applicant hereby requests a one-month extension of time to extend the time to file a response to the Final Office Action through and including October 19, 2006. The Commissioner is authorized to charge the \$60.00 fee for a one-month extension of time as well as any deficiency or credit any overpayment to Deposit Account No. 20-1507.

**CONCLUSION**

By the present *Response*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

**Certificate of Transmission:**

I hereby certify that this correspondence is being submitted by e-filing to the US Patent and Trademark Office in accordance with §1.8 on this date via the EFS-Web electronic filing system.

/Ryan A. Schneider 45083/

October 19, 2006

Troutman Sanders LLP  
Bank of America Plaza  
600 Peachtree Street, N.E., Suite 5200  
Atlanta, Georgia 30308-2216  
United States  
Phone: 404.885.2773  
Fax: 404.962.6849

Respectfully submitted,

/Ryan A. Schneider 45083/

Ryan Schneider  
Registration No. 45,083